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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,016	09/22/2006	Johan Pragt	NL040321US1	7303

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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09/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,016	Applicant(s) PRAGT ET AL.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10,12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on June 12, 2009 has been entered.

Drawings

2. The drawings were received on June 12, 2009. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 10, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gur Arye, pn 2,281,434.

Regarding claim 1 and the claims dependent therefrom, Gur Arye discloses an apparatus with every structural limitation of the claimed invention including:

two cooperating cutting members (e.g., 90, 92) that are movable relative to each other and that are each provided with cutting teeth (e.g., 150, 190) of the apparatus wherein edges of the cutting teeth cooperate and wherein a cutting opening is present between the cooperating edges of the cutting teeth for catching hairs, said cutting opening diverging when seen in a shaving direction of the apparatus, wherein a space remains between at least a portion of the cooperating edges such that the cutting

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openings are not entirely closed during any time of operation of the shaving apparatus (e.g., as described on page 8, left column, lines 13-21, and as illustrated in Fig. 12, wherein at least one of the edges of each pair of cooperating edges is provided with a cutting edge, and wherein one of the cooperating tooth edges in a zone between a tip of the tooth and the cutting edge forms an abutment for a hair caught in the cutting opening (e.g., the cooperating edge clearly is fully capable of acting as an abutment to at least some extent), wherein a face of the abutment is directed parallel to a plane of the hairs (e.g., as shown in the figures, for example Fig. 9, the cooperating edge is directed in such a manner);

[claim 2] wherein the cutting teeth of each cutting member comprises a row of substantially V-shaped cutting teeth (e.g., 150, 190), wherein each pair of cooperating edges enclose a shearing angle, while at least one of the edges of each pair of cooperating edges is provided with a cutting edge;

[claim 3 (from 2)] wherein the edge of each pair of the cooperating edges is provided with tapered cutting edges in the region where the cutting opening is closed during operation;

[claim 5 (from 2)] wherein the at least one of the edges of each pair of cooperating edges is a first one of the edges of each pair of cooperating edges, and wherein a second one of the cooperating edges is provided with tapered cutting edges over an entire length of the cutting teeth;

[claim 10] wherein the cutting teeth of each of the cooperating cutting members are substantially a same length;

[claim 12] wherein when viewed from a direction perpendicular to a direction that the cutting teeth (e.g., 150, 190) extend and in a direction that hairs extend during cutting, each one of the cooperating cutting teeth are not completely overlapped by an other one of the cooperating cutting teeth during any time of operation of the shaving apparatus and do not completely overlap the other one of the cooperating cutting teeth during any time of operation of the shaving apparatus;

[claim 14] wherein the zone is a first zone, the one of the cooperating tooth edges of each pair of cooperating edges having a formed abutment has a second zone between the abutment and a base that is provided with a cutting edge;

[claim 15 (from 14)] wherein a transition point between the first zone and the second zone occurs where the cooperating edges start overlapping in a most overlapped position during operation.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is

advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gur Arye, pn 2,281,434.

Gur Arye discloses an apparatus with every structural limitation of the claimed invention including:

[claim 6 (from 2)] wherein the shearing angle between the cooperating tooth edges is between 5° and 25°.

In the alternative, if it is argued that Gur Arye does not explicitly disclose the claimed shearing angle range, to provide the shearing angle of Gur Arye with such a range would have been the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art.

Claim Rejections - 35 USC § 103

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gur Arye, pn 2,281,434.

Gur Arye discloses an apparatus with almost every structural limitation of the claimed invention but lacks the specific stroke length (S) and frequency (Q) as follows:

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[claim 7 (from 2)] wherein the cutting members perform a reciprocating motion with a stroke S relative to one another, wherein S is in a range for which it holds that $0.01 \text{ nm} < S < \text{to about } 0.15 \text{ mm}$, with a frequency Q that is greater than 100 Hz;

[claim 8 (from 7)] wherein the stroke S is between 0.05 mm and 0.i mm and the frequency Q is between 150 Hz and 400 Hz.

However, it would have been obvious to one having ordinary skill in the art to modify Gur Arye such that it is of a size and configuration that would fall within the claimed stroke characteristics to gain various well known benefits including performing cutting operations on the desired scale of workpiece and/or attaining desired cutting characteristics therefor.

Response to Arguments

8. Applicant's arguments filed June 12, 2009 have been fully considered but they are not persuasive. It is respectfully submitted that the prior art teaches and/or suggests the claimed invention as described in further detail in the corresponding prior art rejections above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
September 24, 2009